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S E C R E T SECTION 01 OF 04 BAGHDAD 005164

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SUBJECT: SIXTH AND SEVENTH DAYS OF AD DUJAYL TRIAL

Classified By: A/DCM David C. Litt for Reasons 1.4 (B) and (D)

11. (U) SUMMARY: The sixth day of the Ad Dujayl trial commenced on Tuesday, December 21. Three complainants provided graphic testimony about torture, incarceration, and murder. The seventh day of trial commenced on Wednesday, December 22. Three additional complainants testified about summary detention, deprivations, murder, and torture. In addition to this testimony, Barzan al-Tikriti and Saddam Hussein alleged that multinational forces had tortured them. Further, Barzan al-Tikriti alleged in a closed session that multinational forces had abducted his son. END SUMMARY.

Morning Trial Proceedings - Day 6 - December 21

12. (U) On December 21, 2005, Chief Judge Rizgar Amin reconvened the Ad Dujayl trial. Judge Rizgar began the day by issuing two "uncontestable" court decisions. The first decision rejected the prosecutor's request to bar non-Iraqi attorneys from the court. The second decision rejected a request from defense counsel to refer the Ad Dujayl matter back to the Investigative Chamber.

13. (U) Barzan al-Tikriti interrupted the proceedings thereafter and asked to address the Court. Judge Rizgar rejected this request. Regardless, Barzan began speaking and admitted that the orchards in Ad Dujayl were leveled but that Judge Rizgar was selective about who he was letting file complaints. One of the international lawyers representing Saddam Hussein (Najib al-Nuaimi) stated that he was threatened at Baghdad International Airport and that security for the defense lawyers was bad. He also stated that religious leaders were issuing fatwas against the defense lawyers.

14. (U) The first complainant, Ali Hasan Muhammad al Haydari, testified in open court and without the aid of voice-altering technology. Mr. Ali was 14 years old at the time of the attack on Ad Dujayl. Mr. Ali described how, when Saddam's motorcade passed near a thick palm and orange orchard, 15-20 gunshots were fired at it. In response, Iraqi security forces began to beat citizens and raid homes. Mr. Ali said that Iraqi security forces wearing civilian clothes entered his home and detained his entire family after they found a hunting rifle.

15. (U) Mr. Ali stated that Iraqi security forces initially incarcerated his family for 70 days in the Mukhabbarat headquarters. Mr. Ali testified about torture by electric shock, burning, and other methods. He stated further that two of his brothers were executed. Mr. Ali claimed that the cells were unsanitary and contained undrinkable water. Mr. Ali testified that Iraqi security forces later moved him and others to Abu Ghraib prison where a number of children died. Mr. Ali stated that guards beat prisoners with cables and separated mothers and sisters before placing them in "red rooms" where they were mistreated.

16. (U) Mr. Ali stated that, after several months in Abu Ghraib, Iraqi security forces moved him and other Ad Dujayl prisoners to a desert camp in Al-Samawah. Mr. Ali stated that the desert heat was brutal and that there was not enough food, water, and medicine. Mr. Ali also testified that a one-year-old child died and was buried in the desert. Mr. Ali stated that he was released on April 22, 1986 and that, when he returned to Ad Dujayl, the landscape had changed because all the orchards had been leveled upon the orders of Taha Yasin Ramadan. Mr. Ali stated that, by the time he was released, Iraqi security forces had executed seven of his brothers.

17. (U) During cross examination, the defense tried to attack the complainant's credibility on the ground that the complainant was only 14 when he was tortured and detained. Defendant Awad al-Bandar, responsible for issuing death sentences for 148 people from Ad Dujayl, asked Judge Rizgar why he was facing trial for issuing verdicts that were lawful at the time in question. He also questioned why President Bill Clinton was not on trial for firing 400 missiles into Baghdad when those missiles killed hundreds of children. Barzan al-Tikriti also interjected. Barzan claimed that U.S. forces had tortured him in prison and that he had nothing to do with the Ad Dujayl matter. Court then adjourned for lunch.

18. (U) After the lunch break, a second complainant began testifying. This complainant testified with the aid of voice-altering technology and did not have his identity disclosed to the public. The complainant stated that, on the day of the attack, he heard gunfire which he assumed was celebratory fire as a result of Saddam's visit to the town. Shortly thereafter, the complainant testified that Republican Guard units raided and searched his home. He was then taken to the National Guard headquarters and shown seven bodies which he could not identify. While there, the complainant stated that he saw Barzan al-Tikriti. He later identified the body of his son, which was thrown in the back of a pick-up truck.

19. (U) The complainant stated that he and fifty others were taken to the headquarters of the Mukhabbarat and held for seventeen days. The complainant stated that Barzan al-Tikriti was present during his detention and ate grapes. Shortly thereafter, the complainant testified that he was moved to Abu Ghraib prison and held for one year and two months. The complainant stated that he was tortured repeatedly while there and that women and children were also tortured. Thereafter, the complainant stated that he was transported to a detention facility in the desert. The complainant stated that four prisoners died while held in the desert and that conditions there were bad.

110. (U) Upon his release from the desert, the complainant stated that he was detained in an intelligence building for seven more months. Iraqi security forces placed him in solitary confinement for three of those months. After the regime fell, the complainant learned that Iraqi security forces had executed four of his sons and that his name was on a list of those to be executed. For reasons not known to the complainant, he was spared.

111. (U) Defense attorneys questioned the complainant about his alleged involvement in the failed assassination attempt against Saddam Hussein. The complainant denied any involvement and said that he was detained because he was a member of the Al-Dawah party. The complainant testified further that only one of his sons was killed in the immediate aftermath of the failed assassination attempt.

112. (U) Barzan al-Tikriti began speaking and declared that the people of Ad Dujayl were victims. Barzan stated further that these people should have filed their complaints when Saddam was in office so that the former regime could have served justice. Saddam Hussein then spoke. Saddam stated that Iraq had achieved tremendous things under his rule. Saddam declared that he made sure to detain entire families so that they would not break apart. Saddam testified further that the testimony about victim torture was not true and that multi-national forces had repeatedly tortured him during his detention. The chief prosecutor stated that, if multinational forces had tortured Saddam, Iraqi forces could take custody of him. Taha Yasin Ramadan also stated that multinational forces beat him while in prison.

113. (U) The third complainant was called to testify at approximately 1720. He testified in secret and with the aid of voice-altering technology. The complainant stated that he was a member of the 11th Division, 45th Brigade and that he entered Ad Dujayl twenty days after the failed assassination attempt against Saddam. Iraqi security forces initially detained him for five minutes and demanded to know whether he was a member of the Al-Dawah party. When he said that he was not a party member, he was beaten until he lost consciousness. After several days of torture (with electric shocks and other implements) Barzan al-Tikriti met with him and told him to confess. The complainant refused and Barzan allegedly told the guards to "finish him off." In response, the guards allegedly removed the complainant's fingernails and toenails and hung him by his legs and beat him.

114. (U) The complainant testified that he was moved to Abu-Ghraib prison and then to an intelligence service prison. At each prison, the torture continued. The complainant stated that he was released after he agreed to work as an informer for the Mukhabbarat. The complainant stated that he returned to his army unit and then to Ad Dujayl. The complainant stated that his home and garden were razed. The complainant stated further that vehicles belonging to Taha Yasin Ramadan bulldozed other buildings and orchards in Ad Dujayl.

115. (U) During cross examination, Barzan al-Tikriti asked the complainant how he knew that the vehicles belonged to Taha Yasin Ramadan. The complainant said that people in the area informed him of this. Barzan then made several concessions. First, Barzan admitted that he visited Ad Dujayl two days after the failed assassination attempt. Second, Barzan

stated that "had he not gone to Ad Dujayl then, the inhabitants would have been eliminated." Third, Barzan claimed that he personally ordered the security services to release anyone from Ad Dujayl if there was no evidence against them. Barzan stated the neither he nor Taha ordered Iraqi security forces to raze the orchards in Dujayl. Barzan claimed that he interpreted Saddam Hussein's decision to move the then public security chief to the intelligence department as a sign of Saddam's dissatisfaction with the level of leniency afforded to the people of Ad Dujayl. Shortly thereafter, the Court adjourned for the day.

Morning Trial Proceedings - Day 7 - December 22

¶16. (U) Judge Rizgar continued the Ad Dujayl trial on the morning of December 22 by calling another complainant. The complainant testified with the aid of voice-altering technology and did not reveal his identity to the public. The complainant testified that, after the failed assassination attempt against Saddam, Iraqi security forces seized his family's property, demolished his home, and bulldozed his orchards. The complainant also stated that Iraqi security forces executed his father and uncles.

¶17. (U) Defense attorneys questioned the complainant about whether Barzan al-Tikriti was in Ad Dujayl at the time of the incident. The complainant stated that he did not see Barzan. The complainant also stated that much of his testimony was based upon information that his grandmother gave to him. He stated further that Iraqi security forces detained his grandmother and tortured her but that, because she was deceased, she could not testify. The complainant stated that he personally witnessed the arrest of his father and air bombardment of orchards.

¶18. (U) Saddam Hussein spoke for several minutes and questioned the credibility of the complainant. Saddam stated that the complainant was too young to remember anything important. Saddam also accused the general prosecutor of lying to the court and President Bush of lying when he said that Iraq had chemical weapons and connections to terrorism.

¶19. (U) Barzan al-Tikriti then spoke. He stated that the Mukhabbarat was not responsible for torturing or detaining anyone from Ad Dujayl. Barzan stated that Judge Rizgar should order his execution if this would be in the interests of Iraq. Barzan then declared that the three prosecutors were members of the Baath Party. The Chief Prosecutor, Jafaar al-Musawai, threatened to walk out of the trial until Chief Judge Rizgar ordered him to return. Another prosecutor stated that Barzan had issued him a terrible insult and that the Baath Party was bloodthirsty. The Chief Prosecutor objected to Barzan's tirade and stated that Barzan was attempting to divert attention from the Ad Dujayl case.

¶20. (U) Immediately thereafter a defense lawyer requested that Chief Judge Rizgar remove a policeman from the Court. The lawyer stated that the policeman had threatened a defendant and that, if the policeman were not removed, the defense team would leave the session. The policeman was ultimately removed despite objections from the prosecution in which they stated that the policeman had not done anything wrong.

¶21. (U) The next complainant testified with the aid of voice-altering technology and did not disclose his identity to the public. The complainant stated that he was 13 at the time of the events in question. He testified that Iraqi security forces arrested his entire family and interrogated everyone at the Mukhabbarat headquarters. The complainant stated that guards separated him from his family and that each family member was tortured. The complainant stated also that many children died from torture and malnutrition. He and his family were transferred to Abu Ghraib and later to a desert camp in Al-Samawah. When security forces ultimately released him, he returned to Ad Dujayl and found his home and orchards destroyed.

¶22. (U) During cross examination Barzan al-Tikriti and Saddam Hussein complained about their detention conditions. Saddam Hussein also questioned the complainant about why he did not file a complaint against the regime while he was in power. Barzan stated that no rooms in the intelligence headquarters were used to detain prisoners. The court then recessed for lunch.

Afternoon Trial Proceedings - Day 7

¶23. (U) After lunch, Judge Rizgar permitted another complainant to testify. The complainant testified with the aid of voice-altering technology and from behind a curtain. The complainant stated that his brother was killed from

aircraft shelling in Ad Dujayl that followed the failed assassination attempt. The complainant stated that security forces detained him in Abu Ghraib and beat him with hoses and that many prisoners died. The complainant stated further that he was sent to a desert camp in Samawah, that the water was salty, and that many prisoners died. The complainant stated that Iraqi security forces never explained to him the reasons for his arrest. Ultimately he was informed that Iraqi security forces had executed all his brothers.

124. (U) Defense counsel cross examined the complainant and asked whether anyone had coached his testimony. Saddam Hussein stated that the reason why residents from Ad Dujayl were detained in the desert for so long was because he had replaced the former security chief with a new one and each thought the other had released everyone. Saddam stated that the conditions of detention for the residents of Ad Dujayl were far better than his detention conditions. Saddam also stated that the complainant's testimony was not valid because he was young at the time of the events at issue.

125. (U) Taha Yasin Ramadan stated that he was not responsible for bulldozing any orchards and that he was suffering because of torture inflicted upon him during his incarceration. Barzan al-Tikriti then spoke and declared that he went to Ad-Dujayl on the second and third day after the failed assassination attempt. Barzan stated that he was there only as the representative in charge of Saddam's safety. Barzan stated that he did not interrogate any witnesses. Barzan declared repeatedly that the public security services and not the Mukhabbarat was responsible for interrogating people from Ad Dujayl. Barzan then complained about the conditions of his detention and stated that the citizens of Ad Dujayl suffered far less than he during his two years and eight months of detention. Barzan defended the actions which the Iraqi government took against the residents of Ad Dujayl on the ground that the state had a right to protect itself after the assassination attempt against Saddam.

126. (U) Defense attorneys next questioned the complainant about whether he had any role in the assassination attempt against Saddam. The complainant denied this and stated that he was interrogated for allegedly belonging to the Al-Dawah Party. The complainant also testified that Iraqi security forces killed one of his sons in the immediate aftermath of the failed assassination attempt. Saddam began speaking and alleged that, during his 25 year reign, he accomplished much. Saddam stated that the complainant's testimony was contradictory and inconsistent. Saddam then stated that the torture which the complainants described did not compare to his torture. Saddam stated that he was beaten and had marks on his body. Saddam also declared that he had not seen the sun during his incarceration.

127. (S) After Saddam addressed the Court, Barzan requested time to speak openly about "classified matters." Judge Rizgar granted time for Barzan to speak but emptied the media and public galleries. During his lecture Barzan stated that the IHT should release him on bail and that he was tortured. Barzan also said that multinational forces abducted his son and that he wished to see him. Barzan then disparaged the testimony of Waddah al-Sheik - calling him a liar and a murderer. He repeatedly recited passages from the Koran and Arabic proverbs. He then requested compensation from Judge Rizgar for the losses he suffered while incarcerated. Barzan also stated that he directly ordered his subordinates to preserve the orchards in Dujayl. Barzan stated that his subordinates failed to follow this order.

128. (S) After the day ended, Judge Rizgar called the defense attorneys and prosecutors into a private meeting. The defense attorneys stated that they wished to have increased security. Judge Rizgar said that he would consider this and that the security of all the defense attorneys was of critical importance to the Court. After this meeting, RCLO staff members brought the defense counsel handguns which they agreed to use for personal protection.

KHALILZAD